

REMARKS

The Office Action mailed May 15, 2003 has been reviewed and carefully considered. Claims 1 and 14-27 have been amended. Claim 15 has been cancelled and the intended subject matter is presented as new claim 28, which has been added. No new matter has been added. Claims 1 and 14-16-28 remain pending in this application, with claims 1, 26 and 28 being the only independent claims. Reconsideration of the above-identified application, as amended, and in view of the following remarks is respectfully requested.

In the outstanding Office Action, the Examiner rejected claims 14-16, 19 and 27 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. He enumerated the instances of indefiniteness, which now have been amended, thereby overcoming the rejection.

The Examiner also rejects claims 1 and 14-27 under 35 U.C.C. §103(a) as being unpatentable over either Hendricks or Tamburro. Further, the Examiner rejects claims 1 and 14-27 under 35 U.C.C. §103(a) as being unpatentable over applicants' admissions in the specification, particularly on pages 1 and 2 taken in view of Korpman.

Before addressing the obviousness rejections, applicants briefly present that the present invention relates to an adhesive tape made of a backing substrate and a cohesive adhesive composition. The adhesive composition is a styrene-butadiene dispersion having a butadiene content of more than 55% in a blend with natural rubber latex and has been coated onto the backing and then dried. In other words, applicants claim a water-based dispersion, which is in contrast to the cited references of Hendricks or Tamburro. Applicants respectfully submit that the cited references of Hendricks and Tamburro as well as Korpman, disclose a tape which contains a natural rubber, using a solvent. For example, Hendricks discloses in Example I a rubber which was first lightly milled and then it was dispersed in a solvent using a paddle-type mixer (Col. 4, lines 14-16). In Example II, he discloses that the rubbery materials are lightly milled, mixed together with other constituents and coated onto a solvent coated cellophane backing. (Col. 5, lines 21-25). Likewise, Example VII speaks of coating the backing, and letting the solvent evaporate (Col. 7, lines 51-52).

Similarly, in Tamburro, it is described that the ingredients, such as rubber and Hylene are milled together in a Banbury mill, and after further processing, is coated on a polyvinyl chloride or other backing, which first was prepared by employing a volatile organic solvent.

Applicant respectfully submits that the water based dispersion claimed by applicants fundamentally differ from mixtures using solvents. The independent claims have been amended to more clearly point out the water-based dispersion.

Concerning the rejection of claims 1, 14-27 based on applicants "own admissions" and in view of Korpman, it also is respectfully submitted that Korpman discloses, similarly to the above discussed references, a solvent. Here, Col. 5, line 14 speaks of a toluene solvent which was roller coated (with other constituents) onto the kraft paper backing, see also Examples III-V, col. 6.

Accordingly, none of the references disclose a water based dispersion (natural rubber latex, which is an emulsion of rubber in water) which applicants claim in independent claims 1, 26 and 28. Thus, these independent claims are patentable over the references cited. The dependent claims are patentable for the same reasons as the independent claims are patentable. Allowance of the claims, as amended is respectfully requested.

If any additional fees or charges are required at this time in connection with the application, authorization is hereby given to charge our Patent and Trademark Office Deposit Account No. 14-1263.

Respectfully submitted,

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